



**United States Department of Justice
United States Attorney's Office
Western District of Texas**

LIANE NOBLE
ASSISTANT UNITED STATES ATTORNEY

903 San Jacinto Blvd. Suite 334
Austin, Texas

Direct Line: (512) 370-1252
Email: liane.noble@usdoj.gov

December 27, 2022

Via: E-mail & CM/ECF

Megan C. Amaris
Thomas R. Burke
Davis Wright Tremaine LLP
50 California Street, 23rd Floor
San Francisco, CA 94111
meganamaris@dwt.com
thomasburke@dwt.com

John Courtade
Attorney at Law
4408 Spicewood Springs Rd.
Austin, TX 78759
johncourtade@johncourtade.com

RE: *Block v. U.S. Securities and Exchange Commission*
Civil Action No. 1:22-cv-01314-LY
Notice of Defective Service

Dear Counsel:

We received hand delivery in our Austin Office of a Complaint and Summons filed in the above-referenced case. A suit brought against a United States agency must be served in accordance with Rule 4(i)(1)-(2). Specifically, Plaintiff must complete service on three different addresses: the United States Attorney's Office for the district where the complaint was filed (Rule 4(i)(1)(A)), the Attorney General of the United States (Rule 4(i)(1)(B)), and the agency itself (Rule 4(i)(2)).

To comply with Rule 4(i)(1)(A), you must serve one of the individuals designated to receive service at the United States Attorney's Office. A list of designated individuals is available on the Court's website.¹

While there are provisions in the Rules that allow for waiver of service, the United States and its agencies are not listed as entities that can waive service and, therefore, we must insist upon

¹ <https://www.txwd.uscourts.gov/wp-content/uploads/For%20Attorneys/AmendedDesignationofAgentsforServiceofProcess.pdf>.

2 | Page

compliance with the applicable rules. *See* 1993 amendments to Fed. R. Civ. P. 4, subdivision (i). Defendant's actual notice of the litigation is insufficient to satisfy Rule 4's requirements. *See Ayika v. Sutton*, 378 Fed. App'x 432, 434 (5th Cir. 2010) (citing *Way v. Mueller Brass Co.*, 840 F.2d 303, 306 (5th Cir. 1988)).

We await proper service of Plaintiff's Summons and Complaint. Until proper service has been accomplished on the United States and/or its agencies, Defendant is not properly joined in your action, and no answer or responsive pleading is required. Fed. R. Civ. P. 12(a)(2).²

Sincerely,

JAIME ESPARZA
UNITED STATES ATTORNEY

By: /s/ Liane Noble
Liane N. Noble
Assistant United States Attorney

² Defendant does not waive any defense they may have regarding improper service of process.